

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

**JEROME BELL, JAMES SHEPPARD,
MARTEZE HARRIS, DOMONIC
BUTLER, MICHAEL DAVIS, RICKY
LAMBERT, JARMALE WALKER, *et al.***

PLAINTIFFS

v.

Case No. 3:15-cv-00732-TSL-RHW

THE CITY OF JACKSON, MISSISSIPPI

DEFENDANT

DECLARATORY JUDGMENT

It violates the Constitution to incarcerate an individual, either before or after trial, solely because an individual does not have the ability to make a monetary payment. *See Bearden v. Georgia*, 461 U.S. 660 (1983); *Cassibry v. State*, 453 So.2d 1298 (Miss. 1984); *Thompson v. City of Moss Point*, 1:15cv182-LG (doc. no. 18) (S.D. Miss. November 6, 2015). Based upon this constitutional principle, no individual may be held in jail for nonpayment of fines, fees, and/or costs imposed by a court without a determination, following a meaningful inquiry into the individual's ability to pay, that the individual willfully refuses or willfully failed to make payment. The meaningful inquiry into the individual's ability to pay includes, but is not limited to, notice and an opportunity to present evidence.

This the 20th day of June, 2016.

/s/Tom S. Lee

TOM S. LEE
United States District Judge
Southern District of Mississippi